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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,902	06/18/2001	Gilad Odinak	WING-1-1015	1702
25315	7590	08/18/2006	EXAMINER	
BLACK LOWE & GRAHAM, PLLC 701 FIFTH AVENUE SUITE 4800 SEATTLE, WA 98104			SKED, MATTHEW J	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/884,902	ODINAK, GILAD
	Examiner	Art Unit
	Matthew J. Sked	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 June 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-19 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/21/06 has been entered.

### ***Response to Amendment***

2. Applicant's arguments, in view of the amendments, filed 6/21/06, with respect to the rejection(s) of claim(s) 1-15 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ladden et al. (U.S. Pat. 5,855,003).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 are rejected under 35 U.S.C. 102(b) as being anticipated by Ladden et al. (U.S. Pat. 5,855,003).

As per claims 1, 8 and 13, Ladden teaches a method, apparatus and computer based device comprising:

receiving a voice signal from a source over a network (mobile station receives a signal from the communication system to change between the codecs, col. 3, lines 25-42);

preprocessing the signal to determine the transmission destination (received signal over a wireless communication hence it must inherently be decoded or demodulated to acquire the switch instruction, col. 3, lines 25-42);

determining a signal path and processing algorithm from a plurality of signal processing algorithms based on the determined address (determines to use Codec A for the telephone or to use Codec B with interworking function for the speech recognizer, col. 4, lines 15-40 and Fig. 3);

processing the voice signal according to the determined algorithm (uses either codec A or codec B for transmission, col. 4, lines 15-40 and Fig. 3); and

sending the processed signal to the associated address (transmits the data from the mobile station to the wireless station and to the final destination, col. 4, lines 15-40 and Fig. 3).

5. As per claims 2 and 9, Ladden teaches wherein determining the processing algorithm comprises matching a database lookup table entry (the instruction to change connection would inherently be stored in memory with the corresponding codec, col. 2, line 60 to col. 3, line 11) and a signal processing algorithm, such that the signal processing algorithm is configured to optimize the signal for the determined destination

transmission destination (codec A optimized for human speech while codec B is optimized for speech recognition, col. 3, lines 43-61).

6. As per claims 4, 11, 12 and 14, Ladden teaches a method, apparatus and computer based device comprising:

receiving at a user input an address for transmission (mobile station receives an instruction by the wireless communication system to change codecs, this instruction is an indication of the change in final destination, col. 2, lines 23-40);

directly receiving at the user input unit a phonation inputted for the voice transmission (mobiles station transmits speech and it is suggested the mobile station is a cellular phone, col. 3, line 62 to col. 4, line 5);

if the selected address is associated with a speech recognition device, processing the received phonation according to an algorithm associated with the speech recognition device and sending the processed phonation to the selected address (establishes a link for transmission to the speech recognizer and uses a codec compatible with speech recognition, col. 2, lines 23-40); and

if the selected address is not associated with a speech recognition device, processing the received phonation at the user input unit according to an algorithm associated with human auditory apparatus and sending the processed phonation to the selected address (establishes a link for transmission to the wireless communication system and uses a codec compatible with speech, col. 2, lines 23-40).

7. As per claim 5, Ladden teaches:

switching the destination from an address associated with a human recipient to an address associated with a speech recognition device (determines that the mobile station desires a link to the speech recognition system, col. 2, lines 23-40);

sending a switch signal to the user input based on the switched address (instructs the mobile station to switch codecs, col. 2, lines 23-40); and

sending the received phonation to the selected address according to a delivery method associated with human recipients (sends the information through a public-switched telephone network, Fig. 3, elements 312 and 315).

8. As per claim 6, Ladden teaches:

switching the destination from an address associated with a speech recognition device to an address associated with a human recipient; sending a switch signal to the user input based on the switched address; and processing the received phonation according to an algorithm associated with speech recognition device and sending the processed phonation to the selected address (system would inherently be able to perform the inverse switching operation, col. 2, lines 23-40).

9. As per claims 7 and 15, Ladden teaches a method and apparatus comprising:

sending a signal from a user input source to a transmission destination according to an address associated with a generated phonation and preprocessing the signal to generate a change signal (establishes a connection between the mobile station and the base station and determines the need to switch based on a message from the mobile station, col. 4, lines 41-60); and

if the transmission destination is a speech recognition server, sending the change signal from the transmission destination to the user input source (instructs the mobile station to switch codecs, col. 4, lines 41-60) determining a signal path, generating a phonation for reception by a speech recognition server and sending the newly processed phonation, otherwise generating a phonation at the user input source for reception by a human recipient (establishes the link between the mobile system and the speech recognizer, col. 4, lines 41-60).

10. As per claim 16, Ladden teaches a method comprising:

receiving a signal from a source over a network (mobile station receives a signal from the communication system to change between the codecs, col. 3, lines 25-42);

preprocessing the signal to determine a transmission destination (received signal over a wireless communication hence it must inherently be decoded or demodulated to acquire the switch instruction, col. 3, lines 25-42);

searching a database lookup table for the transmission destination in order to determine a signal path and match the transmission destination to a signal-processing algorithm from a plurality of signal processing algorithms (determines to use Codec A for the telephone or to use Codec B with interworking function for the speech recognizer; the instruction to change connection would inherently be stored in memory with the corresponding codec, col. 4, lines 15-40 and Fig. 3);

executing an optimization algorithm on the signal (codec A optimized for human speech while codec B is optimized for speech recognition, col. 3, lines 43-61); and

transmitting the optimized signal on the signal path to the transmission destination (transmits the data from the mobile station to the wireless station and to the final destination, col. 4, lines 15-40 and Fig. 3).

11. As per claim 17, Ladden teaches wherein establishing a signal path further comprises establishing a single signal path (a single determined path is found through the base station, PSTN and to the speech recognizer, Fig. 3).

12. As per claim 18, Ladden teaches where establishing a single signal path further comprises establishing a single signal path capable of carrying voice and data signals (base station comprises the components needed to transmit speech or data through the decoder or interworking function, col. 4, lines 15-40).

13. As per claim 19, Ladden teaches a method for preprocessing telephonic data comprising:

receiving a signal from a source over a network; preprocessing the signal to determine a transmission destination; searching a database lookup table for the transmission destination in order to determine a signal path and match the transmission destination to a signal-processing algorithm from a plurality of signal processing algorithms (wireless communication system receives an indication from the mobile system to link to the SRS, this indication would inherently have stored in memory the corresponding codec or signal processing algorithm to use, col. 2, lines 23-40);

receiving a second signal from the source over the network (establishes connection from the mobile station to the speech recognizer through the base system hence allowing the speech of the mobile station to be transmitted, col. 2, lines 23-40);

executing an optimization algorithm on the second signal (performs the coding or interworking to transmit the signal, col. 4, lines 15-40); and  
transmitting the optimized second signal on a determined signal path to the transmission destination (transmits the coded speech to the speech recognizer, col. 4, lines 15-40).

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladden in view of Mulvey et al. (U.S. Pat. Pub. 2001/0033643A1).

Ladden does not teach determining the originator of the signal, if the determined transmission destination is a human recipient and if the determined originator is a computer-based system, alerting the recipient that the voice signal is from a computer-base system.

Mulvey teaches a system for telephone privacy protection that determines if the call is coming from an unwanted user, which includes a computer (paragraphs 48, 135 and 136)

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ladden determine the originator of the signal and to

notify the recipient that a voice signal is from a computer-based system as taught by Mulvey because this phone call would most likely be from a telemarketer and most telephone users find it undesirable to speak to a telemarketer.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Sked whose telephone number is (571) 272-7627. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MS  
8/15/06



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